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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,081	07/30/2001	Joseph K. Mosis	JKM-101	9106

7590

03/30/2006

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EXAMINER

PHILLIPS, CHARLES E

ART UNIT

PAPER NUMBER

3751

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,081

Applicant(s)

MOSIS, JOSEPH K.

Examiner

Charles E. Phillips

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3751

During preparation of an examiner's answer, certain 35 USC 112 issues came to light. Accordingly, the previous final rejection is hereby withdrawn and an action on the merits follows.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9 and 11-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 9, last paragraph, calls for "a control valve by which to selectively connect said water pump to one of said fluid coupling or to said reservoir."

As viewed in Figs 8-9 and as described in paragraph 31, a valve located in the leg of the "T" cannot restrict pump access to both the tank and fresh water source, as called for in claim 9, last paragraph, line 1.

That is, when the valve 12 is open to allow passage of water, the pump is also in communication with the reservoir.

In this regard, it would also appear that paragraph 31, lines 7-8 is in error, also.

Claim 11 calls for a "one way flow valve---to prevent the flow of fresh water from said external source to said reservoir when said control valve is in the open position."

The disclosure in paragraph 32 discloses a "one way valve which prevents water from going back to (sic) fresh water tank whenever water is taken from the garden hose."

How is this accomplished, since such a valve would also prevent filling of the reservoir i.e. no water can pass 13 toward the reservoir?

Art Unit: 3751

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins et al.

See the municipal water supply mode alternative of col. 6, lines 26 +, where "a valve" (not shown) but discussed in line 29 is employed to disconnect the hose 55 that leads to the faucet, from the fresh water tank

42 to the external source of water. That is, a valve is used to select between an external source and the fresh water storage tank 42.

This differs from the instant device and the claim 9 "control valve" in that the instant device employs a valve to route the external water through the pump to the fresh water tank or to the faucet. Watkins et al use the

valve to bypass the pump when in the external source mode. That is the pump is not needed when the external source is chosen because the pressure of the external source that is employed is enough that no

assistance is needed. In fact, as discussed in col. 6, lines 45-50, the external pressure is five times that necessary at the faucet.

Accordingly, it would have been obvious to the ordinary artisan, with teachings of Watkins et al at hand, to use his valve to route the external source through what ever assist may be deemed necessary in order to

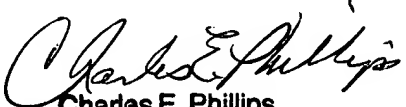
achieve the desired pressure at the faucet. That is, if insufficient pressure is expected to be encountered, it would have been obvious to enhance it with a pump as this is well known in the art or to step the pressure

down by a pressure regulator if the external source pressure exceeds that desired at the faucet. The latter case will exist in all municipal supplies.

Any inquiry concerning this communication should be directed to Charles E. Phillips at telephone number 571-272-4893.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Charles E. Phillips
Primary Examiner